



CANNON BUILDING
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STATE OF DELAWARE
BOARD OF MASSAGE AND BODYWORK

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PUBLIC MEETING MINUTES: Board of Massage and Bodywork
MEETING DATE AND TIME: Thursday, May 15, 2014 at 1:30 p.m.
PLACE: 861 Silver Lake Boulevard, Dover, Delaware
Conference Room B, second floor Cannon Building
MINUTES APPROVED: June 19, 2014

MEMBERS PRESENT

Holly Overmyer, Professional Member, President
Patricia Schumann-Draper, Professional Member
Sandra Jachimowski, Professional Member, Vice-President
Gordon Gelley, Public Member
Rachel Dunning, Public Member

MEMBERS ABSENT

Sharon Harris, Public Member, Secretary
Kari Ainsworth, Professional Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL/COURT REPORTER

Eileen Kelly, Deputy Attorney General
Maggie Strauss, Administrative Specialist II

OTHERS PRESENT

Sharon Gamble
Holly Garay
Aaron Thompson
Jo Franklin
Judith Isabella
Christopher Dorman
Jermaine Cannon

CALL TO ORDER

Ms. Overmyer called the meeting to order at 1:33p

REVIEW OF MINUTES

The Board reviewed the minutes from the April 17, 2014 meeting. A motion was made by Ms. Dunning, second by Ms. Jachimowski, to approve the minutes as presented. The motion unanimously carried.

UNFINISHED BUSINESS

Review of Hearing Officer Recommendations

The Board reviewed the Hearing officer recommendation of Dane Tjaden. They requested the DAG amend the final order to state that Mr. Tjaden must have a hearing before the Board if he wishes to obtain licensure in the future. A motion was made by Ms. Dunning, second by Mr. Gelley to accept the recommendation with the amendment. The motion carried unanimously.

A motion was made by Mr. Gelley, second by Ms. Dunning to amend the hearing officer recommendation of Huibo Wang to include a list of statutory violations as part of the public record in this case. A motion was then made by Mr. Gelley, second by Ms. Dunning to accept the recommendation with the amendment. The motion carried unanimously.

A motion was made by Mr. Gelley, second by Ms. Dunning to accept the hearing officer recommendation as written. The motion carried unanimously.

The Board reviewed the hearing officer recommendation of Cindy Nybakken, including the documents submitted by the licensee. After review of the exceptions submitted and under the legal guidance of the DAG, a motion was made by Ms. Draper, second by Ms. Dunning to reject the recommendation and impose no disciplinary action on the license of Ms. Nybakken. The motion carried unanimously.

Signing of Orders

A motion was made by Mr. Gelley, second by Ms. Dunning to table the signing of orders of Henry Glowiak and Coleen Dupuis until June. The motion carried unanimously.

Ms. Overmeyer signed the final orders for: Chin Pang Lui, Holly Garay, Melissa Gilbert, Elizabeth Field, Dion Hopkins, Alyssa Frazier, Jena Locuson and Huibo Wang.

NEW BUSINESS

Ratification of Massage Technician Certifications

A motion was made by Ms. Dunning, second by Mr. Gelley, to approve the ratification of the Massage Technician applications of: Khalilah W. Hanzer, Jing Li He, Shardae D. Farlow, Bryan Edward Hampton, Debra R. Hougaard, Luke M. Docca, Caroline E. Hamill, Terry D. Baker, Kimberly A. Timmons and Sonja D. Amos. The motion was unanimously carried.

Ratification of License Massage Therapists

A motion was made by Mr. Gelley, second by Ms. Dunning, to approve the ratification of the Massage Therapist Certifications of: Steven J Clore, Donna M. Black, Sheldon Wesley Samuel Barbara A. Dentinger, Paige Lauren Deiner, Darlene Devore, James W, Skinner and Isnara Lacroix Michel. The motion was unanimously carried.

Continuing Education

After review and discussion of CE course available through Skype, the Board agreed unanimously that those courses qualify under online or home study elective CEU's.

The Board reviewed and unanimously accepted the new continuing education approval request form as presented by Ms. Strauss. The new form will be made available on the Division website for use as soon as possible.

Ms. Strauss asked the Board for clarification of regulation 9.5.4. Ms. Jachimowski advised that an instructor can only receive up to 6 CEU's for teaching because if they know enough about a subject to teach it, they are not learning new material. A licensee must learn new material to achieve CE credits.

A motion was made by Ms. Dunning, second by Mr. Gelley to table the approval of the CPR/AED information submitted by HSI. The Board would like more information from the provider before approval.

A motion was made by Mr. Gelley, second by Ms. Dunning, to approve the continuing education requests as follows. The motion was unanimously carried.

AMTA 2014 National Convention Courses

- a) Interacting with Perinatal Healthcare System – 2 elective
- b) Alleviating Piriformis Syndrome – 4 elective
- c) Educators Knowledge Forum – 1.5 elective
- d) Instructional Design – 2.5 elective
- e) The 5 Fast Tracks to Stellar Body Mechanics – 4 elective
- f) Active Muscle Therapy: Combining Active Movement – 4 elective
- g) Career Opportunities in Spas – 2 elective
- h) Connecting with Millennial Massage Students – 4 elective
- i) Current Research on Massage & Elders – 4 elective
- j) Introduction to Oncology Massage – 8 elective
- k) Kinessage® Self Care for Therapists – 4 elective
- l) Lifting your Clients out of Pain – 4 elective
- m) Making Taxes Less Taxing – 2 elective
- n) A Massage Therapist's Guide to Malpractice – 2 elective
- o) Myofascial Components of Fibromyalgia – 4 elective
- p) Paranasal Sinus Drainage – 4 elective
- q) Pediatric Massage : Highlighting Trauma – 4 elective\
- r) Pelvis, hip & Sacrum Part I (Advanced Myofascial Tech.) – 8 elective
- s) Reading a Research Article – 2 Elective
- t) Research Panel:What Research Tells Us about Pain Management – 4 Elective
- u) Situational Ethics : Revisiting Boundaries – 4 core
- v) Spinning the Hip : 360 Degree Manual Techniques – 4 elective
- w) Structure Governs Function: Core Releases for the Neck & Shoulders – 4 core
- x) Pre-Convention Workshop: Dimensional Massage Therapy for the Hand, Wrist, Elbow and Radioulnar Joints – 8 elective
- y) Pre-Convention Workshop : Fundamentals of Fascial Therapy – 8 core
- z) Cornerstones to Career Longevity – 4 elective

Tranquil Spirit

30 Minute Foot Massage – 6 hours core

30 Minute Head & Sinus Massage – 6 hours core

Zing Nafzingfer

Reiki I – 8 hours elective

Reiki II – 8 hours elective (a motion was made by Ms. Dunning, second by Mr. Gelley to add the course Reiki II to the amended agenda. The motion carried unanimously.)

Review of CE Extension Requests

A motion was made by Ms. Dunning, second by Mr. Gelley to table the CE extension requests of Stephanie Blusk and Nina Stamus for more information. The motion carried unanimously.

Complaint Status

20-07-12 – Office of Attorney General
20-01-13 – Hearing Officer
20-02-13 - Office of the Attorney General
20-03-13 - Office of the Attorney General
20-06-13 - Office of the Attorney General
20-09-13 - Assigned
20-10-13 - Assigned
20-13-13 - Office of the Attorney General
20-14-13 – Hearing Officer
20-17-13 – Hearing Officer
20-23-13 – Assigned
20-03-14 – Assigned
20-04-14 – Assigned

Review of Applications-Eileen Kelly

A motion was made by Ms. Dunning, second by Mr. Gelley to approve the applications of Aaron Thompkins, Richard Owens, Lucyna I. Pasternak and Theresa Skjeveland based on DAG review. The motion carried unanimously.

A motion was made by Ms. Dunning, second by Mr. Gelley to table the application of Yanchun Lang to request more documentation for DAG review. The motion carried unanimously.

Discussion of Lawsuit Against Harris School

Ms. Draper voiced her concern over the lawsuit against Harris School and the validity of testing results DPR has received from them. Ms. Kelly advised that it is proposed litigation and that a formal suit has not been filed. Until the alleged crimes are filed in a federal lawsuit, no action is need by the Board.

Article in Massage Today Regarding California Massage Schools

Ms. Draper expressed her concern over an article she read in Massage Today magazine referencing several massage schools in the state of California that have had their licenses revoked. She was concerned about possibly approving fraudulent transcripts as part of the licensing process within the Division. Ms. Kelly advised that because the current regulations do not define licensing requirements for schools, the issue is moot. Until a clear definition is in place, the Board must accept that the credentialists provide due diligence in reviewing applications prior to licensure.

Discussion of defining “Approved School” and “Approved Program”

Referencing the previous agenda item, Ms. Kelly advised the Board that because of recent events with schools and programs in other states the Board should discuss a means of clarify the requirements of schools and programs for the profession. She suggested they organize ideas on the requirements of both and draft a regulation change, which will require licensing of establishments. The Board took her advice under consideration and will continue to discuss the topic at the upcoming workshops.

CORRESPONDENCE

Ms. Overmeyer read a letter from Ms. Goodwin of the SC Commission on Higher Education. The letter stated that due to non-compliance with probationary terms, the schools license has been officially revoked and must cease operations effective April 1, 2014.

Ms. Overmeyer summarized the FSMTB Model Practice Act information and requested it be sent to Board members via email for further review at their leisure.

OTHER BUSINESS (for discussion only)

Ms. Draper presented information on SB 197 and its amendments as having been introduced into the General Assembly and passed into law.

PUBLIC COMMENT

Ms. Garay addressed the Board indicating that she has completed more CE courses and brought her certificates for review by the Board. Ms. Kelly advised her that the final order regarding her hearing was signed earlier in the meeting and that she should retain the certificates until she receives it in the mail. Ms. Kelly also advised her of the appeals process.

A member of the public audience voiced concern over the possibility that a person who appeared on the agenda would be able to obtain a license in the future, was there anything she could do to prevent that? Ms. Kelly advised that she was welcome to attend the hearing necessary for this applicant to regain licensure, but that was all.

A member of the public audience asked the Board if his criminal convictions from over 15 years ago would prohibit him from obtaining a license in the profession. Ms. Kelly advised that this could only be determined during a hearing and suggested he request a hearing before the Board as soon as possible.

NEXT SCHEDULED MEETING

The next meeting is scheduled for June 19, 2014 at 1:30 p.m.

ADJOURNMENT

There being no further business, a motion was made by Mr. Gelley, second by Ms. Dunning, to adjourn the meeting. The motion was unanimously carried. The meeting was adjourned at 2:27p.

Respectfully submitted,



Maggie Strauss
Administrative Specialist II